

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

CRAIG DOWLING,

Plaintiff,

v.

3:07-cv-163

ADAM BROWN,

Defendant.

MEMORANDUM AND ORDER

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983, in which the plaintiff alleged that, while incarcerated in the Knox County Detention Facility, he was assaulted by the defendant jailers. In ruling on the defendants' motions for summary judgment, the court dismissed all claims against all defendants with the exception of the claim against defendant Adam Brown in his individual capacity for the alleged use of excessive force. Defendant Brown appealed the denial of his motion for summary judgment based upon qualified immunity and moved to stay proceedings pending that appeal. The motion to stay was granted and the case was stayed pending disposition of the interlocutory appeal. The Sixth Circuit affirmed the denial of qualified immunity as to defendant Brown. Accordingly, the stay is **LIFTED**. In addition, there are presently pending various motions filed by the parties.

There are several motions pending which relate to the motions for summary judgment. Those motions [Court File Nos. 179, 183, 188, and 192] are **DENIED** as **MOOT**.

Plaintiff moves the court to schedule a new trial date. The motion [Court File No. 207] is **GRANTED**. This matter is **SCHEDULED** for a jury trial on **TUESDAY, OCTOBER 29, 2013**. The parties will receive a notice to that effect. The court notes that both plaintiff and defendant have filed their pretrial narrative statements, and the deadline for discovery has passed.

After the Sixth Circuit affirmed the denial of qualified immunity, attorney John E. Eldridge filed a notice of appearance on behalf of the plaintiff. Mr. Eldridge subsequently filed a motion to withdraw as attorney of record for plaintiff. The motion to withdraw bears the signature of plaintiff as evidence of his consent to the withdrawal. Accordingly, the motion to withdraw [Court File No. 214] is **GRANTED**.

ENTER:

s/ Thomas W. Phillips
United States District Judge